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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-044

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In s. Trans 139.03 (16), although not substantive, the word “the” is inserted before “damage” but not shown as an underscored amendment.

b. Throughout the rule, stricken language should precede adjacent underscored language. [See s. 1.06 (1), Manual.] For examples of errors, see s. Trans 139.04 (4), (6) (a) 3. and (7) (b).

c. Section Trans 139.04 (5) (c) is indicated as “repealed and recreated,” but in fact is amended in the rule. However, the language that is not underscored does not reflect the current rule. If the department is actually repealing and recreating the paragraph, underscoring and strike-throughs should not be used.

d. In s. Trans 139.04 (6) (a) 1., “~~must~~ shall” should replace “must” in the second sentence.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The phrase “another jurisdiction” is used throughout the rule, but is not defined. A definition of the term would be helpful.

b. In the second sentence of s. Trans 139.04 (5) (c) 1., the term “it” could be replaced by “the title” to avoid having dealers forward junk vehicles to the department.

c. Section Trans 139.04 (6) (a) (intro.) would be clearer if the word “guide” were inserted after “original” in the third sentence.

d. The terms “brand” and “title brand” are used in the rule but not defined. [See s. Trans 139.04 (6) (a) 1.] A definition could clarify the intended meaning of the term.

e. As amended, s. Trans 139.04 (6) (a) 3. reads very awkwardly. The agency may wish to review this portion of the rule to clarify the requirements. One option would be to place the “for example” clauses in a note after the text of the rule. This could also be done with the examples in par. (a) 1. [See s. 1.09 (1), Manual.]

f. In s. Trans 139.04 (6) (b) 1., the word “per” should be replaced by the phrase “as required by.”